

Appln. No.: 09/940,484
Amendment dated February 15, 2006
Reply to Office Action of October 4, 2005

REMARKS/ARGUMENTS

The Office Action of October 4, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 16 and 18 have been amended, and new claims 30 and 31 have been added. Claims 16-31 are thus pending in the application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 16-29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended the claims to present the claims in a more preferred form, and respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 16-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nokia 6100 User's Guide, 9251506, Issue 2, in view of Alperovich *et al.* (U.S. Pat. No. 6,119,014, hereinafter Alperovich). This rejection is respectfully traversed.

Applicants have amended claim 16 to clarify that the invention is implemented in a mobile communication terminal having only a limited memory, in which there is not enough memory to include a full calendar application, but rather merely provide the reminder application of the presently claimed invention.

The invention addresses the problem in the art that not all consumers want to spend a lot of money to buy an application rich mobile terminal, i.e., a Business-class mobile terminal. In efforts to meet this demand for lower-end, or Basic, mobile terminals, manufacturers must cut costs of mobile terminals, e.g., by not including as much memory and including less functionality. The invention addresses this concern by providing a limited reminder capability in a Basic mobile communication terminal that does not otherwise provide a calendar application or capability, as is typically provided in Business-class mobile terminals.

A calendar is a series of pages showing dates, and is used for entering appointments, special events, etc. A calendar application is an electronic version of a calendar run on a computer or the like. The calendar application implemented in the Nokia 6110 and described in the in the Nokia

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6110 User's Guide is an example of such an electronic calendar application. In the Nokia 6110 a user selects the calendar, and enters an image where dates in a month or a week are displayed. This capability is simply not provided nor is it available in a reminder application according to the invention.

A problem with electronic calendar applications is that they require quite a significant amount of memory. This memory consumption is partly caused the application itself for giving the user the possibility to inspect the series of pages showing dates, but is mainly due to the fact that content entered into the calendar application is allowed to remain there. I.e., a user can keep adding content until the memory is full. Therefore the memory space required grows over time. Such a concept is not applicable for a reminder application for use in an entry-level mobile terminal, where memory space is almost fully used when the mobile terminal leaves the factory.

Calendars are available in Business-class mobile terminals, while Basic-class mobile terminals have memory limitations, and often do not include calendar applications. Bigger memories will induce higher costs and this again will reduce sales. However, the reminder application of the present invention is very useful and attractive, as the phone is the only electronic device that almost all people always carry. The reminder application according to the invention allows the user to set an alarm for a certain time with an attached text to remind the task or event that is that is associated to the alarm, without requiring the user to purchase a Business-class mobile terminal that includes a calendar application.

Thus, according to the amended independent claims, the mobile terminal includes a timer providing a timing signal and a reminder software application, which is based on an initial setting of date, time, and text, and the timing signal is able to indicate the current date and time. When the reminder time is reached, the phone sounds an alarm and flashes the reminder text. The claims specifically require that the limited memory not store or include a calendar application, which the cited references clearly do include.

In addition, there is no motivation to combine or adapt the references to arrive at the present invention. Applicants initially note that the Office Action does not provide a motivation to combine the references, but rather uses the end-result of the combination as the supposed motivation to combine the references in the first place, which is impermissible hindsight reasoning. The Federal

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Circuit has repeatedly stated that the limitations of a claim in a pending application cannot be used as a blueprint to piece together prior art in hindsight, *In re Dembiczak*, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999), and that the Patent Office should *rigorously* apply the requirement that a teaching or motivation to combine prior art references needs to be provided. *Id.* (emphasis added). Thus, Applicants respectfully submit that there is no motivation or suggestion to combine Nokia 6110, with Alperovich. Even assuming that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, as is often argued by the Office, the Office Action provides no evidence that the combination takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, nor does the Office Action provide any evidence that the combination does not include knowledge gleaned only from Applicant's disclosure. Thus, the combination is an improper combination based on hindsight.

Furthermore, the cited calendar application is not the same as the claimed reminder application, and the cited terminals do not have the limited memory as claimed. The cited references do not teach or suggest reminders, which indicate a starting point for an event, but rather indicate an entire duration of the event. One skilled in the art would come to a conclusion that calendars, and appointments which are part of a calendar, are for high end or Business-class phones alone due to the memory restrictions. The present invention, on the other hand, solves the memory problem by bringing reminder functionality to Basic-class mobile terminals, e.g., as lauded at http://www.ciao.co.uk/Nokia_3310__Review_5118785.

Thus, because there is no motivation to combine the references nor adapt them to the presently claimed invention, and because the cited references do not teach or suggest all the features of any claims, the rejection is respectfully traversed.

Claims 25-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nokia 6100 User's Guide, 9251506, Issue 2, in view of Alperovich, and further in view of Mercer et al. (U.S. Pat. No. 6,167,429, hereinafter Mercer). This rejection is respectfully traversed.

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Claims 25-29 are allowable at least for the same reasons as their respective base claims, because Mercer does not cure the deficiencies of Nokia 6110 and Alperovich, and further in view of the additional features recited therein.

New Claims

Applicants have added new claims 30 and 31. No new matter has been added. Claims 30 and 31 are allowable at least for similar reasons as the previously discussed independent claims.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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Dated this 15 day of Feb., 2006

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